

RULES OF PROCEDURE OF THE ADMINISTRATIVE TRIBUNAL

CHAPTER V PRELIMINARY QUESTIONS

Article 24: Preliminary questions on jurisdictional and procedural matters

1. Motions concerning preliminary questions and arguments in support thereof in relation to jurisdictional and procedural matters, including but not limited to lack of jurisdiction of the Tribunal, or failure to satisfy the requirements of admissibility, shall be submitted to the Tribunal in writing within twenty days of receipt of the copy of the motion.
2. The opposing party may submit a written response in opposition to the motion within twenty days of his receipt of it.
3. The party submitting the motion on preliminary questions may submit a reply to the response within twenty days of receipt of it.
4. Within thirty days of receiving the last of the pleadings to be submitted under paragraph 3 above, the members scheduled to constitute the panel at the next session shall consult by telephone or other effective means and, based on those consultations, shall issue an order either granting the motion in whole or in part, denying it, or suspending all further proceedings in the action until the Tribunal can meet in session to consider it. During those thirty days, the President of the panel may submit written interrogatories to the parties for clarification, and copies of the interrogatories and answers shall be served on all parties and the corresponding Tribunal members.
5. The filing of a motion to dismiss under paragraph 1 shall suspend the time for filing an Answer under the Tribunal's Rules of Procedure until the Tribunal rules on the motion.
6. Either party shall have the right to request that the Tribunal reconsider its decision to grant the motion to dismiss in whole or in part, or deny it, at the Tribunal's next session. The requesting party shall file the motion for reconsideration within twenty days of receiving the Tribunal's decision.

The filing of the motion for reconsideration will suspend further proceedings in the action pending the Tribunal's decision in reconsideration.

7. For good cause justified and proven, the President of the Tribunal may extend the time limits for filing the pleadings and taking the decisions provided for under this Article.
8. Failure of the respondent to make a motion to dismiss under this Article shall not ban or otherwise preclude the respondent from challenging the admissibility of the complaint, the Tribunal's jurisdiction, and the legal merits of the claim in the answer.

Article 25: Other preliminary questions

The Tribunal may, as it deems proper, admit and rule on other preliminary questions or matters relating to evidentiary and other pretrial issues consistent with its authority under Article XIII of the Statute, including matters raised ex officio.